

Docket No.: 377/9-1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Paolo TASSIN Conf. No. 5424  
Serial No.: 10/509,313 Group Art Unit: 3721  
Filed : September 27, 2004 Examiner: John Roger Paradiso  
For : METHOD FOR CARRYING OUT A SIZE CHANGE OVER IN A  
PACKAGING MACHINE

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

In response to the Office Action mailed December 16, 2005, please amend the application as follows:

## CLAIM AMENDMENTS

Claims 1-7 (Cancelled)

8. (New) A method for carrying out and subsequently verifying substitutions and/or adjustments of mechanical components in an automatic packaging machine during a change over to package products of a different size comprising:

providing a computerized unit for verifying and storing instructions related to each operation necessary for changing the automatic packaging machine for processing articles of different size, said operations including substitution of specific mechanical components and/or adjustment of spatial positions of specific mechanical components of said machine;

providing portable processing and recording means having code reading means for reading identifying codes associated with said specific mechanical components;

recalling information elements relevant to the size change over stored in said computerized unit and transferring said information elements for display on said portable means, said information elements being a list of mechanical components to substitute and/or components whose positioning is to be adjusted together with information elements relevant to the mechanical components;

reading the list, and locating the specific mechanical components to substitute and/or components whose positioning is to be adjusted, and,

a) for each mechanical component to be substituted:

i) using said code reading means of said portable processing means for detecting said component identifying code on a mechanical component, comparing the detected code with the information elements stored in the processing means, and verifying the correctness of the

mechanical component designated for substitution;

ii) using said code reading means of said portable processing means for detecting a substitute component identifying code on a mechanical component and comparing the substitute identifying code for verifying the identity of the substitute component; and,

iii) substituting the verified substitute component on the machine;

b) and for each component whose position is to be adjusted:

i) locating the component to be adjusted, using said code reading means of said portable processing means for detecting said component identifying code, comparing the detected code with the information elements stored in the processing means, to verify that the correct component has been located;

ii) displaying on said portable processing means information elements relevant to a new positioning of the component to be adjusted; and

iii) carrying out the adjustment of said component while verifying the exact correspondence of said adjustment with said information elements displayed on said portable processing means.

9. (New) The method according to claim 8 wherein said component identifying codes are bar-codes situated on the components; and providing an optical scanner with said portable processing and storing means for reading the bar-codes.

10. (New) The method according to claim 8 wherein said portable processing and storing means includes a palm-size computer, and transferring the information elements from said computerized unit to said palm-size computer.

11. (New) The method according to claim 8 wherein said mechanical component is

adjusted by displacing said mechanical component to said new position using adjusting means coupled to the mechanical component, said adjusting means being associated with means for displaying corresponding numerical values relative to said new position.

12. (New) The method according to claim 9 wherein said portable processing and storing means include a palm-size computer, and transferring the information elements from said computerized unit to said palm-size computer.

13. (New) The method, according to claim 9 wherein said mechanical component is adjusted by displacing said mechanical component to said new position using adjusting means coupled to the mechanical component, said adjusting means being associated with means for displaying corresponding numerical values relative to said new position.

14. (New) The method, according to claim 10 wherein said mechanical component is adjusted by displacing said mechanical component to said new position using adjusting means coupled to the mechanical component, said adjusting means being associated with means for displaying corresponding numerical values relative to said new position.

IN THE DRAWINGS

Substitute the enclosed replacement sheet for Figure 1 of the application.

## REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 1-7 were in the application, claims 1-7 have been cancelled and new claims 8-14 have been substituted therefore.

The examiner objected to the drawings as failing to show areas B1 and B2. Enclosed is a replacement sheet, having a corrected Figure 1 with the areas B1 and B2 indicated.

Claims 1-7 were rejected as being obvious over Moore et al, U.S. Patent no. 6,588,173. The examiner essentially alleged that while Moore failed to disclose use of a bar-code reader, the use of such a device would have been obvious to one of ordinary skill in the art at the time the invention was made. However, in order to uphold a finding of obviousness, there must be some teaching, suggestion or incentive for doing what the applicant has done. ACS Hospital Sysys, Inc. v. Montefiori Hospital, 723 F.2d 1572 (Fed. Cir. 1984). Also, "Both the suggestion and the expectation of success must be found in the prior art, not in the applicant's disclosure." In re Dow Chemical Co., 837 F.2d 469 (Fed. Cir. 1988).

The Patent and Trademark Office has the burden under section 103 to establish a prima facie case of obviousness. In re Piasecki 223 USPQ 2d 785 (Fed. Cir. 1984). They can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to an ordinary skill in the art would lead the individual to combine relevant teachings of the references. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

Moore only relates to the use of color coding; there is no teaching or suggestion in Moore for the use of any more sophisticated system than that during a machine change-over, and so Moore could lead one away from the applicant's invention. More importantly, there is nothing to

teach or suggest the additional advantages achieved by the present invention.

The claimed method seeks to quickly, efficiently and accurately make a machine change-over, and to control the machine change over by providing a computerized unit for storing the machine parameters and specific components needed to package particular products. When a change over in the product line is indicated, it is the computerized unit which generates the list of items requiring substitution or adjustment. This information is transferred to the hand held unit, which has means to read identification information for confirming which component is to be changed out, which component is to be put in its place, and which dimensions must be adjusted, and to provide this information on a display so that the changeover is accomplished quickly and accurately.

There is a required co-operation between the computerized unit and the hand held unit equipped with the bar code reader. It is not the reader in isolation that is the invention, but the use of the bar code reader with stored and displayed information that enables an improved method of machine change-over to be achieved.

While bar code readers themselves may be known in the art, "it is irrelevant in determining obviousness that all other aspects of the claimed invention are well known in a piecemeal manner, in the art, since virtually every patent can be described as a 'combination patent', or a 'combination of old elements'. The mere fact that the disclosure of teachings of the prior art can be retrospectively combined for purposes of evaluating the obviousness/non-obviousness issue does not make the combination obvious unless the art also suggested the desirability of the combination or the inventor's beneficial results of the advantage to be derived from the combined teaching." Fromson v. Advanced Offset Plate, Inc., 755 F. 2d 1549, 1556

(Fed. Cir. 1985).

At best it might be obvious to try various combinations, but obvious to try is not the standard and absent a teaching or suggestion for doing as the applicants have done, claims 8-14 are believed to be patentable over the cited art.

Based on the above amendment and remarks, favorable consideration and allowance of the application are respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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## 9

